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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,560	05/20/2005	Gebhard Zobl	SB-514	4363
24131 7590 12/03/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
KEMMERLE III, RUSSELL J				
ART UNIT		PAPER NUMBER		
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12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: GEBHARD ZOBL, WOLFGANG GLATZ,
WOLFGANG KRAUSSLER and ROBERT OBERBREYER

Application No. 10/533,560
Technology Center 1700

Mailed: December 3, 2008

Before VASCO S. HARPER, *Paralegal Specialist*
HARPER, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REQUEST FOR CONTINUED EXAMINATION (RCE),
AMENDMENT & 1.132 DECLARATION

Appellant(s) filed a Request for Continued Examination (RCE) on August 7, 2008. The RCE was accompanied by an amendment which included amendments to the claims, a Rule 1.132 Declaration and other documents. There is no indication on the record that the Examiner has considered the RCE. (Note: if the RCE and all of the accompanying documents is entered, a corrected Evidence Appendix and a corrected Claims Appendix will have to be made of record to the file, either by the Examiner or the Appellants).

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the RCE filed August 7, 2008 as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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